IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6864 of 1989
WITH
CIVIL APPLICATION No. 6322 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NARMADABEN NAVALCHAND SHAH & 1 - Petitioner(s)
Versus
THE STATE OF GUJARAT TO BE SERVED THROUGH & 2 - Respondent(s)

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Appearance :
MR PV HATHI for Petitioners
MR MIHIR JOSHI, ADDITIONAL ADVOCATE GENERAL WITH MR M.R. MENGDAY, ASST. GOVERNMENT PLEADER for Respondents

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 10/05/2007

ORAL JUDGMENT

Shri P.V. Hathi learned counsel for the petitioner.

Shri Mihir Joshi, learned Additional Advocate General appears for the State and submits that one Pravinsinh son of Khetsinh Gadvi, Joint-Secretary, Revenue Department and the Special Secretary, Revenue Department [Appeals] has filed the desired affidavit wherein it is clearly mentioned that original order against the interest of the petitioner was made on 05.07.89 and thereafter something was added to the said order and re-drafted order dated 28.09.89 was forwarded to the petitioner under cover of letter dated 28.09.89. It is submitted in the affidavit that the subsequent order dated 28.09.89 was in replacement of the earlier order dated 05.07.89.

Shri Joshi, learned Additional Advocate General fairly conceded that in view of the allegations made by the petitioner and the conduct exhibited by the authority, orders dated 05.07.89 and 28.09.89 be set aside and quashed, and the matter be remitted to the concerned authority for hearing the parties afresh.

The above referred submission made by Shri Joshi satisfies Mr. Hathi.

In view of the said submission, orders dated 05.07.89 and 28.09.89 are hereby quashed.

The parties present in the Court shall appear before Special Secretary, Revenue Department [Appeals] on 18th

June 2007. After recording attendance of the parties, the learned appellate forum shall fix the date for hearing the parties and after providing an opportunity of hearing, the said authority shall dispose of the matter in accordance with law.

The petition is allowed. No orders as to costs.

In view of the above order, no further order is required to be passed in the Civil Application and it stands disposed of accordingly.

[R.S.GARG, J.]

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